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Attorneys for Plaintiff,  
MARK HARRIS

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

MARK HARRIS,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC., an  
Ohio Corporation; Tony Agenjo; Kimberly  
Muniz; and DOES ONE THROUGH  
HUNDRED, inclusive,

Defendants.

) Case No.: C08-00315-MMC  
) 3:08-cv-00315-MMC  
) STIPULATION AND ORDER TO STAY  
) CASE AND ALL APPLICABLE  
) DEADLINES AND STATUTES PENDING  
) FURTHER ORDER OF THE COURT  
) Judge: HON. MAXINE CHESNEY  
)  
)


PLAINTIFF MARK HARRIS ("PLAINTIFF"), by and through his Attorneys of  
Record, MEHLMAN-TERBEEK LLP, and DEFENDANT UNITED PARCEL SERVICE  
("DEFENDANT UPS"), by and through its Attorney of Record, PAUL, HASTINGS,  
JANOFKY & WALKER, LLP, hereby stipulate and agree to the following items, and request  
that the Court issue the following Orders:

1. PLAINTIFF AND DEFENDANT UPS stipulate to and agree to the entry of an Order  
staying any activity on the above-entitled case, including any motions, applicable  
procedural deadlines, statutes of limitations, and discovery, pending a written decision by  
the California Supreme Court in the case of *Jones v. The Lodge at Torrey Pines*,  
California Supreme Court Case No. S151022. This case will decide the issue of whether

1 an individual supervisor can be held personally liable under the California Fair  
2 Employment and Housing Act for retaliation. The resolution of this issue will have a  
3 direct impact on the subject matter jurisdiction of this Court over this case, since UPS  
4 removed the case based on diversity jurisdiction.

- 5 2. Any Discovery currently outstanding, including any subpoenas or subpoenaed  
6 documents, will be immediately withdrawn and stayed.
- 7 3. If the Attorneys for UNITED PARCEL SERVICE are also retained to represent the  
8 individual defendants in this case, then this stipulation and order shall also apply to these  
9 individual defendants as well.
- 10 4. Either party may petition the Court via motion to dismiss this stay should the California  
11 Supreme Court not issue its written opinion within 90 days of this Stipulation and Order.
- 12 5. Faxed signatures of the Attorneys shall have the same legal force and effect as original  
13 signatures.
- 14 6. This Stipulation and Order may be signed in counterparts.

15  
16 Dated: 2-11-08

  
MATTHEW M. OLIVERI, ESQ. (SBN 230486)  
ATTORNEYS FOR PLAINTIFF

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19 Dated: \_\_\_\_\_

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JOHN POST, ESQ. (SBN 233236)  
ATTORNEYS FOR DEFENDANT UPS

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22 **IT IS SO ORDERED**

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24 Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT COURT JUDGE


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JOHN POST, ESQ. (SBN 233236)  
ATTORNEYS FOR DEFENDANT UPS

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UNITED STATES DISTRICT COURT JUDGE